

- 1) Antennas, mounts, materials used to reduce visual impact, and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- 2) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- 3) Any and all structures on the subject property.
- 4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- 5) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

## **IX Modifications to Personal Wireless Service Facilities:**

A. Modification of a personal wireless service facility is considered equivalent to an application for a new personal wireless service facility and requires a site plan review when any of the following events apply:

The applicant and/or co-applicant wants to alter the terms of the site plan by changing the personal wireless service facility in one or more of the following ways:

- 1) Change in the number of facilities permitted on the site; or
- 2) Change in technology used for the personal wireless service facility that will affect the visible elements of the facility, or that would alter the amount(s) and/or type(s) of hazardous materials used at the facility.

B. The applicant and/or co-applicant wants to add any exterior visible equipment or additional height not specified in the approved site plan.

## **SECTION D**

### **Historic District Commission Regulations**

January 17, 1991

These regulations are promulgated under the authority of and in accordance with RSA 674 and 675.

#### **I. PURPOSES**

- 1.1 The purpose of these Regulations is to guide construction, maintenance and rehabilitation of properties in the Amherst Historic District so as to preserve the distinctive character and integrity of the district. The Regulations are intended to ensure that properties in the district

are not altered inappropriately. The goal in developing these Regulations is to set up clear and objective rules so that decisions and permits are not based on the personal tastes and preferences of Commission members reviewing proposals for change.

- 1.2 Whenever an application for the construction, maintenance or rehabilitation of a property in the Amherst Historic District is received, the Historic District Commission shall consider said application and if the commission finds that the applicant meets the general criteria set forth herein, it shall grant the requested permit.

## **II. GENERAL CRITERIA**

2.01 In making a determination on an application, the Historic District Commission shall take into account these Regulations as follows:

- (a) the historical, architectural, or cultural value of subject buildings, structures or landscapes and their relationship and contribution to the setting;
- (b) the compatibility of the exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing buildings or structures and their setting;
- (c) the scale and general size of new construction in relationship to existing surroundings, with consideration of such factors as height, width, street frontage, number of stories, roof type, (windows, doors etc.) and architectural details;
- (d) other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights and/or landscaping which might affect the character of any building or structure within the district, and similar factors which relate to the setting for such structure or grouping of structures; the impact that the applicant's proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural and cultural qualities of the district and community. structures or sites which are architecturally important as unique constructions or as exceptionally fine examples of their period, region or style (Significant Structures) should be altered only so as to conform more closely to their original or most characteristic appearance. In such cases the original appearance must be determined through convincing documentation b the applicant.

These regulations shall be most strictly enforced for structures, facilities, and conditions within the public view. The public view shall include neighboring properties to the extent that the structure, facility, or condition may be reasonably observed from neighboring property.

The Commission shall have the discretion to waive any condition contained in these regulations for good cause shown. (10/16/00)

## **III. PRESERVATION GUIDELINES**

3.01 For guidance and recommendations on rehabilitation, preservation and maintenance homeowners are encouraged to refer to the U.S. Secretary of the Interior's Standards for Rehabilitation.

3.02 The Commission shall be guided by the following principals:

(a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

(b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible, and additions or changes inconsistent with these goals should be discouraged.

(c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

#### **IV. RELOCATION AND DEMOLITION**

4.01 Buildings shall not be demolished or removed from their present sites except for good cause shown. Applicants shall have made a reasonable effort to maintain the existing structure on the existing site.

#### **V. MINIMUM MAINTENANCE**

5.01 Owners of all buildings shall provide sufficient maintenance to keep such buildings from falling into a state of disrepair. Owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of components which could cause an unsafe condition or a

detrimental effect upon the character of the historic district or which could lead to a later claim that deterioration has become so advanced that demolition or removal of architectural features is necessary.

5.02 In cases where deterioration has already progressed to an advanced state, and where immediate removal is requested by the owner, the standards for review of demolition contained in the U. S. Secretary of the Interior's Standards for Rehabilitation shall be applied. In all cases, where at all applicable, non-structural architectural features shall be repaired. In situations where it is impracticable to repair these features or prohibitively expensive to replicate them, they shall be stored and not discarded.

## **VI. CHANGES TO EXISTING STRUCTURES**

6.01 The historical architectural character of a building or structure -- expressed by design, style rhythm, form, massing, scale, proportions, features and materials -- shall be maintained or restored. When a change is proposed, significant existing materials and elements shall be retained whenever possible.

6.02 Use of synthetic (typically, aluminum or vinyl) siding shall not be permitted. Structures including fencing shall be constructed from natural materials (i.e. no vinyl, plastic, PVC or chain link) 3-18-99

6.03 Any new design elements introduced shall respect the character and history of the building. The design of such elements shall not seek to create an appearance earlier than that appropriate for the building.

6.04 The choice of color is not regulated, but it is recommended that colors be compatible with those used on other historical buildings in the neighborhood.

6.05 Existing historical doors shall be retained and rehabilitated wherever possible. Where doorways must be altered, doors and entranceways shall be designed to respect the exterior architectural integrity of the building. Storm doors and screen doors shall have plain -- not scalloped or cross buck -- stiles, rails and panels and shall not have false "historical" hardware".

6.06 Existing historical windows shall be retained and repaired wherever possible. Where replacement is essential, new windows should match the originals or be in character with the building as may be reasonably achievable. The original window type (hung sash, casement, pivot, etc.) should be retained as should the configuration of the individual panes of glass formed by the muntin grid. Multi-paned sash should have true panes formed by true muntins and should not utilize applied or embedded muntin grids. The original width and depth of the individual elements (such as exterior molding and/or casing, exterior frame, exterior sash members and exterior muntins) should be reproduced or be closely approximated. For windows added as a part of an addition or new windows in the existing structure, the above regulations are recommended practices.

6.07 Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground. Principal considerations include the original roof shape; original roofing materials or materials compatible with the old in composition, size, shape, color

and texture; architectural details such as dormer windows, monitors, cupolas, cornices, bargeboards, brackets, chimneys, cresting and weathervanes.

6.08 Outdoor mechanical equipment (ducts, fans, air conditioners, etc.) shall be installed in locations which create the least disturbance to the historical appearance of the building and which involve the minimum alteration to its structural integrity. Landscape buffers may be used.

## **VII. CONSTRUCTION OF NEW BUILDINGS**

7.01 New construction shall be complementary to the configuration of existing buildings and streetscapes, including in height and width, and shall be governed by these Regulations as appropriately interpreted for new construction.

## **VIII. STREETScape**

8.01 The establishment of off-street parking shall be encouraged to be placed to the rear of buildings where such is reasonable and available, and fenced or screened with appropriate plantings.

8.02 Any alterations requiring changes to the topography of any property which shall materially change the landscape shall require an application to the Historic District Commission. Where changes in the existing ground level are necessitated by installation of foundations or sewage systems, etc., the Commission may require appropriate fill, grading or planting to render the altered area compatible with its surroundings.

8.03 Reasonable efforts to preserve historical and traditional markings for property boundaries and grounds -- such as stonewalls, fences and tree borders -- should be undertaken. Replication or extensions may be introduced where appropriate. Extensions such as fencing must be made of natural materials. (3-9-99)

8.04 The visual impact of telephone and electrical wires and meters as well as all other utility structures and equipment shall be minimized. Meters shall not be placed on the primary facade of a building but shall be located so as not to limit access by public service personnel. Personal wireless service facilities, as defined by the Telecommunications Act of 1996, and including accessory and related structures, must use concealment techniques and/or engineering designs which minimize the height and visibility of any structures, including designs which promote the use of any existing structures, to the extent technologically the character and integrity of the Historic District. Applicants must demonstrate that they have met or attempted to meet this standard utilizing state of the art technology and alternatives before approval by the Board.

8.05 Public visibility of any of the following may be ordered to be minimized or concealed where the condition is to not be in character with the Historic District:

Man-made decorative objects, large or obtrusive personal property, equipment and machinery, such as bulldozers, storage sheds or outbuildings, landscaping features, and modern appurtenances such as above ground pools, tennis courts, antennae and trash receptacles.

8.06 It is recommended that mailboxes be black. Newspaper holders/containers are prohibited.

## **IX. FENCES**

9.01 Amherst Village was built in the era of 1770 to 1840, therefore the Commission feels fencing in the district should always be in keeping with the period of architecture.

9.02 The purpose of the fencing must be clearly defined when applying for a permit. Acceptable reasons include aesthetics, protection, and privacy.

9.03 Granite posts with wooden rails, picket fencing and post and rail are accepted styles and are compatible with the historic homes.

9.04 A variety of connecting fences along a property line is discouraged. Any fence along the front of a building should always continue with the same style of fencing on the property sides (lines) as far as visible.

9.05 Lattice fencing is encouraged for pools and privacy. Chain link, woven wood and stockade fencing are all considered inappropriate.

9.06 In choosing the proper fence the following should be considered:

- (a) Architectural period of the house
- (b) Neighboring properties
- (c) Existing fences in the neighborhood
- (d) Height and style in relation to the house

9.07 Picket fencing is considered appropriate for colonial homes. The following should be used as a guideline for picket fences:

9.08 The following are to be considered when applying for a fencing permit.

- (a) Authentic reproductions are suitable, pleasant, and enhance property values.
- (b) With few exceptions fences should be painted white.
- (c) Fencing shall not restrict views of neighbors.
- (d) When flat fencing is necessary plantings should be used for screening where the fence is visible.
- (e) The fence should contribute to the property and not detract from it.

## **X. NEW EXTERIOR ADDITIONS (3-16-00)**

10.01 Significant historic materials and features should be preserved.

- a. The design of an addition on a primary elevation or other character-defining elevation must not materially obscure, damage, diminish, or otherwise negatively impact the primary elevation or other character-defining features of that structure.
- b. Minimize loss of historic material comprising external walls.

10.02 The design of the new addition should complement, not compete with or detract from, the historic character of the original structure.

- a. Make the scale, massing, and proportions of the new addition compatible with the original building to ensure that its historic form is not lost or compromised.
- b. Locate or set back the new addition on a secondary or inconspicuous elevation so that the new work does not result in a radical change to the historic form and character of the building from its primary view(s).

10.03 The historic character of the original structure shall be protected so that the old work remains visually distinct.

- a. Consider the new addition both in terms of the use and the appearance of other buildings in the historic district. The new addition may reference design motifs from the historic building to which it is attached. However, it should complement, not compete with or detract from, the original historic structure in terms of massing, scale, proportions, materials, texture, and detailing.

10.04 Historic and other character-defining settings around the structure shall be preserved.

- a. New additions should be compatible with the historic character of the immediate setting as well as the surrounding and neighboring areas and structures. Historic relationships within the setting and surrounding area should be preserved in terms of massing, scale, design, material, texture, and relationship of solids to voids.

## **XI. ADMINISTRATIVE RULES (deleted 10/19/00)**

# **AMHERST HISTORIC DISTRICT COMMISSION**

## **RULES OF PROCEDURE**

(Adopted October 19, 2000)

### **I. GENERAL**

- 1.1 Authority. The Amherst Historic District Commission (hereinafter the Commission) was established by the voters of the Town of Amherst at Town Meeting of March 1970 and by adoption of Article IV, Section 4-15, Historic District (HD), of the Zoning Ordinance at Town Meeting of March 11, 1986. Pursuant to RSA § 676:1, the Commission has adopted these Rules of Procedure to prescribe the method of conducting its business in conformance with RSA § 672, RSA § 673, RSA § 674, RSA § 676, RSA § 677, and RSA § 91-A. Amendments to these Rules of Procedure shall be adopted at a regular meeting of the Commission pursuant to RSA § 675:6 and shall be placed on file with the Zoning Administrator for public inspection.

- 1.2 Interpretation. These Rules of Procedure are based upon the most current statutes governing land use boards as of its writing (updated with legislation through Chapter 331 of the 1999 Session of the General Court, which convened on January 6, 1999). Whenever the requirements of these Rules of Procedure are at variance with those of any other lawfully adopted rules, regulations, ordinances, or statutes, the requirements that are most restrictive or that impose the higher standard shall govern.
- 1.3 Severability. If any section, subsection, sentence, clause, phrase or other part of these Rules of Procedure is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules of Procedure.
- 1.4 Definitions. Unless specifically defined below, words or phrases in these Rules of Procedure shall be interpreted to give them the same meaning as they have in the Amherst Zoning Ordinance and/or in common usage so as to give these rules their most reasonable application.
- a. Abutter.** Any person whose property is located in the Amherst Village Historic District and adjoins or is directly across the street or stream from the land under consideration by the Commission. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his property will be directly affected by the proposal under consideration.
- b. Alteration.** Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.
- c. Alternate Member.** A member of the Commission who, at the direction of the chairperson, serves in the absence or disqualification of a regular member of the Commission.
- d. Applicant(s).** The owner(s) of the property.
- e. Building.** Any structure that has a roof and is intended to shelter people, animals or chattel.
- f. Building Permit (or Permit).** A certificate issued by the Zoning Administrator permitting the building, alteration, installation, repair, or change of buildings, land, or uses as regulated by the Zoning Ordinance.
- g. Certificate of Approval (or Certificate).** A certificate issued by the Historic District Commission indicating its approval of an application to alter, repair, construct, add onto, move, demolish, or change the use of a structure or a site within a Historic District.
- h. Certified Local Government.** A city or town that has met specific standards enabling participation in certain National Historic Preservation Act programs.



**i. Change of Use.** A change in how a structure or place is utilized or developed, whether for industrial, commercial, residential or agricultural purposes.

**j. Character.** The aggregate of visible historic and architectural features and traits that together form the individual nature of an historic district.

**k. Commission.** Commission shall mean the Historic District Commission of the Town of Amherst, New Hampshire.

**l. Completed Application.** A completed application means that, in the discretion of the Commission, sufficient information is included or submitted to allow the Commission to proceed with consideration and to make an informed decision.

**m. Conservation Restriction.** A right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in any other use or condition consistent with the protection of environmental quality.

**n. Construction.** The act of adding an addition to an existing structure or the erection of a new principal accessory or structure on a lot or property.

**o. Contributing Property.** A structure or site in the historic district that generally has historic, cultural, social, economic, political, or architectural significance.

**p. Demolition.** Any act or process that destroys in part or in whole a landmark or structure.

**q. Design Guidelines (or Guidelines).** Standards of appropriate design and activity developed by the Commission which offers property owners guidance in preserving the historic and architectural character of a structure, setting, or place, and which standards shall include the *Secretary of the Interior's Standards for Rehabilitation*. (See *Regulations*.)

**r. Elevation.** The orthographic projection of an object or structure on a vertical picture plane parallel to one of its sides, and usually drawn to scale.

**s. Ex Officio Member.** Any member of the Commission who holds office by virtue of an official position and who shall exercise all the powers of a regular member of the Commission.

**t. Appearance.** The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**u. Historic Property (or Historic Resource).** Any prehistoric or historic site, place, building, structure, or object that is deemed by the Commission to have historic, cultural, social, economic, political, or architectural significance.

**v. Historic District.** An area designated by ordinance of the Town of Amherst and which contains within definable geographic boundaries a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

**w. Historic District Zoning Overlay.** That portion of the Zoning Ordinance that regulates the alteration, repair, construction, adding onto, moving, demolishing, or changing the use of a structure or place within the historic district, which is superimposed over pre-existing zoning district(s).

**x. Maintenance.** Ordinary maintenance and repair of any architectural feature that does not involve removal or a change in design, dimensions, materials or outer appearance of such feature.

**y. Massing.** A unified composition of two-dimensional shapes and three dimensional volumes that defines the form of a structure in general outline rather than in detail and gives the impression of weight, density, and bulk.

**z. Moving.** Any relocation or removal of a structure on its site or to another site.

**aa. National Register of Historic Places (or National Register).** Official inventory of "districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture."

**bb. Non-Contributing Property.** A structure or site in the historic district that generally does not have historic, cultural, social, economic, political, or architectural significance.

**cc. Notice of Disapproval (or Notice).** A written notice issued by the Historic District Commission indicating its disapproval of an application to alter, repair, construct, add onto, move, demolish, or change the use of a structure or a site within a Historic District.

**dd. Orthographic Projection.** A method of projection in which a three-dimensional object is represented by projecting lines perpendicular to a picture plane.

**ee. Place.** An open space of land within the historic district.

**ff. Plan View (or Plan).** An orthographic projection of the top or section of an object or structure on a horizontal plane, usually drawn to scale.

**gg. Plat.** A plan or map of land in the historic district indicating the location and boundaries of individual properties and improvement thereon.

**hh. Preservation.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic structure, place, or feature.

**ii. Preservation Restriction.** A right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site.

**jj. Regular Member.** A member of the Commission who has full voting power.

**kk. Regulations.** Local design guidelines and standards of review promulgated by the Commission that interpret and implement statutory requirements and are in conformance with the Historic District Zoning Overlay.

**ll. Rehabilitation.** The process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**mm. Repair.** Any change that is not construction, addition, demolition, moving, or alteration.

**nn. Restoration.** The act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

**oo. Rules of Procedure.** A set of rules adopted by the Commission pursuant to RSA 676:1 concerning the method of conducting the Commission's business.

**pp. Scale.** A certain proportionate size, extent, or degree, usually judged in relation to some standard or point of reference.

**qq. Setback.** The minimum required distance from every structure to the property lines of a lot, established by the Zoning Ordinance to provide for air, light, solar access, and privacy.

**rr. Site Plan.** Proposed plan for development, submitted by the property owner for review by the Commission, that shows the form, location, and orientation of a building or group of buildings on a site, usually including dimensions, landscaping and other significant features of the plot.

**ss. Structure.** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to: buildings, fences, stone walls, gazebos, signs, backstops for tennis courts and ballparks, antennae, above ground pools and hot tubs, air conditioning units, propane tanks, playground equipment, etc.

**tt. Zoning Ordinance.** The laws of the Town of Amherst regulating the building, alteration, installation, repair, or change of buildings, land, or uses within the borders of the entire town.

## **II. MEMBERSHIP**

- 2.1 Regular Members. Membership shall consist of not fewer than five nor more than seven regular members, one of whom shall be an *ex officio* member of the Board of Selectmen and one of whom may be an *ex officio* member of the Planning Board.
- 2.2 Alternate Members. Not more than five alternate members may be appointed. Whenever a regular member is either absent or disqualifies himself or herself, the chairperson shall designate an alternate to vote in his or her place; except that only the alternate designated by the Board of Selectmen for its *ex officio* member shall serve in place of that member.
- 2.3 Appointment. The *ex officio* members from the Board of Selectmen and the Planning Board shall be appointed by vote of their respective boards. All other regular members and alternate members shall be appointed by the Board of Selectmen.
- 2.4 Qualifications. In determining each member's qualifications, the Board of Selectmen shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission. To the extent that professionals in the following disciplines are available in the community, the Board of Selectmen should make reasonable efforts to appoint members from those professions: architectural history, archaeology, cultural anthropology, New England history, or planning. Information on the credentials of the Commission members shall be kept on file with the Zoning Administrator and available for public review. Members shall be residents of the Town of Amherst, but are not required to reside in the Amherst Village Historic District *per se*.
- 2.5 Terms. Except as provided for in RSA § 673:5 I (b), The term of any *ex officio* member shall coincide with the term for that other office. The term of all other regular and alternate members shall be three years. In accordance with RSA § 673:5 II, the initial terms of regular members first appointed to the Commission shall be staggered so that no more than three appointments occur annually in the case of a seven member Commission and no more than two appointments occur annually in the case of a five or six member Commission, except when required to fill vacancies. The terms of alternate members shall be staggered in a similar manner so that no more than two appointments occur annually in the case of a Commission with four or five alternate members and no more than one appointment occur annually in the case of a Commission with two or three alternate members.
- 2.6 Vacancies. The Board of Selectmen shall act within sixty days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA § 673:12.

- 2.7 Removal. Members may be removed for cause in a manner provided by RSA § 673:13. In addition, the chairperson may request the resignation of any member who fails to attend four consecutive meetings without just reason.

### **III. OFFICERS**

- 3.1 Positions and terms. A Chairperson, Vice Chairperson, and Secretary shall be elected by a vote of the membership of the Commission. The term of every officer and Chairperson elected shall be for one year. Neither an *ex officio* nor an alternate member shall serve as Chairperson.
- 3.2 Chairperson. The Chairperson shall preside at all meetings of the Commission, call meetings at the frequencies specified below, see that orders and resolutions of the Commission are carried out, and sign all official correspondence of the Commission.
- 3.3 Vice-Chairperson. The Vice-Chairperson shall perform all the duties of the chairperson in her or his absence.
- 3.4 Secretary. Pursuant to RSA § 91-A, the Secretary shall record the minutes of the meetings of the Commission and shall provide the original, signed copy of said minutes to the Zoning Administrator for public inspection within 144 hours of a public meeting or, unless voted otherwise pursuant to RSA § 91-A:3 III, within 72 hours of a non-public meeting.

### **IV. MEETINGS**

- 4.1 Regular Meetings. The Commission shall meet regularly on the third Thursday of each month, unless there is no business before the Commission.
- 4.2 Special Meetings. Special meetings of the Commission shall take place at the call of the Chairperson or as the Commission deems necessary.
- 4.3 Site Review. The Commission may table, within the limits imposed by subparagraph 5.01 (d), final consideration of an application pending a site review. The purpose of the site review is to validate the information provided in the application as well as to determine the effects of the proposal on the subject building, its setting, the surrounding area, and neighboring properties. For proposals concerning new construction, new exterior additions, moving of structures, site work, or fencing, the applicant is required to stake the ground to show the dimensions and location of the proposed building, addition, fencing, or site work. In addition, in the case of new construction and new exterior additions, the applicant is required to float a balloon or erect a pole with a flag upon the top to indicate the maximum height of the proposed construction.
- 4.4 Quorum. A majority of the voting members shall constitute the quorum necessary in order to transact business in any meeting of the Commission.

### **V. ADMINISTRATION**

- 5.1 Building Permits, Certificates of Approval, and Notices of Disapproval. Whether or not a building permit is also required under the Zoning Ordinance, the Commission shall review all

applications to construct, repair, move, demolish, change use, or alter any structure within the Amherst Village Historic District for its impact on the district. Upon review and determination of the application, the Commission shall file either a Certificate of Approval or a Notice of Disapproval with the Zoning Administrator. Determination on an application shall be in the opinion of a quorum of the voting members of the Commission.

- (a) Approval. Work shall not commence unless a Certificate of Approval is filed with the Zoning Administrator. In cases where a building permit is also required by the Zoning Ordinance, the Zoning Administrator shall not issue the building permit until or unless the Commission has filed a Certificate of Approval. The "Certificate of Approval/Notice of Disapproval" form appended hereto shall be the form upon which all approvals are granted and shall be deemed to be a part of these Rules of Procedure.
- (b) Disapproval. In case of disapproval of any application submitted to the Commission, the grounds for such disapproval shall be adequately stated in the Notice of Disapproval. The Notice of Disapproval shall be binding upon the Zoning Administrator and no building permit shall be issued. Notice of Disapproval holders may make modifications to the disapproved plans and resubmit the application for hearing without prejudice. The "Certificate of Approval/Notice of Disapproval" form appended hereto shall be the form upon which all disapprovals are communicated and shall be deemed to be a part of these Rules of Procedure.
- (c) Conditional Approval. In appropriate cases, the Commission may grant conditional approval of an application, which approval shall become final without further public hearing upon certification to the Commission by its designee, or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed. Final approval of an application may occur in the foregoing manner only when the conditions are:
  - 1. Minor plan changes as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment on the part of the Commission; or
  - 2. Conditions that are in themselves administrative and that involve no discretionary judgment on the part of the Commission.

All other conditions shall require an additional hearing and notice as provided in Section 5.02 (c), except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing.

- (d) Deadlines. The Commission shall file with the Zoning Administrator either a Certificate of Approval or a Notice of Disapproval pursuant to RSA § 676:8 III within 45 days after the filing of a completed application for the certificate with the Zoning Administrator, unless the applicant agrees to a longer period of time. Failure to file either the certificate or the notice within the specified period of time shall constitute approval by the Commission. Pursuant to RSA § 676:3 II, the Certificate of Approval or Notice of Disapproval shall be made available for public inspection within 72 hours after the Commission makes the decision.

- (e) Commencement of Work. The applicant shall wait until 20 calendar days have expired after the date the Certificate of Approval is filed with the Zoning Administrator before commencing work to allow sufficient time for any aggrieved parties to appeal the decision. Upon commencement of work, the Certificate of Approval holder shall promptly and diligently pursue completion of the work approved. Work done under a Certificate of Approval shall commence within one year of issuance of the certificate thereof unless otherwise authorized by the Commission.
- (f) Completion of Work. Work done under a Certificate of Approval shall be completed within two years thereof unless otherwise authorized by the Commission. Where a Certificate of Approval holder submits a new application prior to completion of an outstanding Certificate of Approval, the Commission, prior to considering the new application, may require a showing of good cause for any unreasonable delay found by the Commission to have occurred concerning the outstanding Certificate of Approval.
- (g) Inspections. Upon completion of the work, the applicant shall call the office of the Zoning Administrator for a final inspection and a representative of the Commission shall be assigned to inspect the work for compliance with the Certificate of Approval. Notwithstanding the requirement for a final inspection, the Commission reserves the right to make periodic inspections while the work is in progress.

5.2 Application. The Commission shall issue a Certificate of Approval or Notice of Disapproval based upon the review and determination of an application. The form of application appended hereto shall be the form upon which all applications to the Commission shall be made and shall be deemed to be a part of these Rules of Procedure. Application forms shall be made available through the office of the Zoning Administrator.

- (a) Deadlines. The applicant shall file the completed application with the Zoning Administrator at least 10 days prior to the meeting at which the application will be considered.
- (b) Completion. The Commission will only consider a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that, in the discretion of the Commission, sufficient information is included or submitted to allow the Commission to proceed with consideration and to make an informed decision. A completed application shall, at a minimum, include:

Form. A completed application form along with a copy of any plats, site plans, drawings, photographs, renderings, reference materials, etc. required to be included with the application form, and any specific factual material requested by the Commission.

Fee. The payment of the application fee.

Interested Parties. A list of the names and addresses of the applicants and three sets of addressed adhesive mailing labels per address.

Abutters (only applications for new construction, new exterior additions, demolition, moving, site work, change of use, or fencing). A list of the names and addresses of all abutters as defined in RSA §

672:3 and three sets of addressed adhesive mailing labels per listed abutter. Abutters shall also be identified on any plat or site plan submitted to the Commission.

Variances. If applicable, a copy of the letter from the Zoning Board of Adjustment granting a request for variance to the Zoning Ordinance.

(c) **Determination of Completion.** The Commission shall, within 30 days following filing of the application, determine if a submitted application is complete according to these Rules of Procedure and shall vote upon its acceptance. Upon determination by the Commission that a submitted application is incomplete, the Commission shall notify the applicant of the determination in accordance with Section V, paragraph 5.01 (b), and shall describe the information, procedure, or other requirement necessary for the application to be complete in accordance with Section V, paragraph 5.01 (d). The applicant may correct deficiencies in the application and reapply at a later date without prejudice.

(d) **Public Hearing.** Except as provided for in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, abutter, holder of conservation or preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Public hearings shall not be required when:

1. The Commission disapproves an application based upon failure of the applicant to supply information required by the Rules of Procedure; or
2. The applicant fails to meet reasonable deadlines established by the Commission; or
3. The applicant fails to pay costs of notice or other fees required by the Commission.

(e) **Notice.** The Zoning Administrator shall provide notice of public hearings on applications as follows:

1. **Preliminary Conceptual Consultations:** Notice shall not be required for Preliminary Conceptual Consultations between an applicant and the Commission pursuant to subparagraph 5.03 (c).
2. **Applications for new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing:** Notice shall be provided to the applicant and abutters by mail of the date upon which the Commission will consider the application. Notice shall be sent by certified mail at least 5 days prior to the meeting. Notice to the general public shall also be given at the same time by posting. The notice shall include a general description of the proposal that is the subject of the application and shall identify the applicant and the location of the proposal. All costs of notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Commission to terminate further consideration and to deny the application without public hearing.
3. **All applications other than for new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing:** Notice shall be provided to the applicant by mail of the date upon which the Commission will consider the application.



Notice shall be sent by regular mail at least 5 days prior to the meeting. The notice shall include a general description of the proposal that is the subject of the application and shall identify the applicant and the location of the proposal.

- 5.3 Preliminary Conceptual Consultation. For proposals concerning new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing, it is strongly recommended, but not required, that the applicant meet with the Commission prior to filing a complete application.
- (a) Purpose. The purpose of the meeting is to allow for an informal exchange between the applicant and the Commission to review the basic concept of the proposal and offer suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. In this manner, the Commission may provide preliminary, non-binding guidance on the suitability of the proposal with a minimum burden of expense on the applicant. Such consultation shall bind neither the applicant nor the Commission and statements made by Commission members shall not form a basis for disqualifying said members or invalidating any action taken.
- (b) Materials. Materials presented for this discussion should include plats, site plans, drawings, photographs or other sufficient information to allow for a meaningful understanding of the intended conceptual design.
- (c) Notice. Such discussion may occur without necessity of giving formal, public notice as otherwise required under paragraph 5.02 (e), but such discussions may occur only at formal meetings of the Commission.
- 5.4 Due Diligence. The Commission may table, within the limits imposed by subparagraph 5.01 (d), final consideration of an application for the purposes of seeking advice, recommendations, or reports from professional, educational, cultural, civic or other groups or persons as may be deemed necessary for the determination of a reasonable decision.
- 5.5 Appeals. Any person or persons jointly or severally aggrieved by a decision of the Commission shall have a right to appeal to the Zoning Board of Adjustment. Upon appeal, the Zoning Board of Adjustment shall review the decision of the Commission to determine whether the decision conforms to the provisions of the Historic District Zoning Overlay and to these Rules of Procedure adopted thereunder.
- 5.6 Enforcement. These Rules of Procedure shall be enforced in accordance with the provisions of Article VI of the Zoning Ordinance, and violators shall be subject to the penalty provisions contained therein.

## **VI. CODE OF CONDUCT**

- 6.1 Commission members and staff shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational, or other ties.

- 6.2 Commission members and staff who have a financial interest in a property, shall not participate in any discussion, hearing, or other Commission consideration of that property, whether as part of local review procedures pursuant to RSA § 674 and RSA § 676, or as part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a "Certified Local Government" under the National Historic Preservation Act, or under the associated requirements established by the National Park Service and the State of New Hampshire for participation in the Certified Local Government program.
- 6.3 Commission members and staff shall not participate in the preparation of, administration, monitoring, approval, or payment of any grants or contracts made to or by the Commission if a real or apparent conflict of interest would be involved.
- 6.4 In conformance with RSA § 673:14, no member of the Commission shall sit upon the hearing of any question which the Commission is to decide if that member has a direct, personal, or pecuniary interest in the outcome which differs from the interest of other citizens or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
- 6.5 When uncertainty arises as to the application of these provisions to a Commission member in particular circumstances, the Commission shall, upon the request of that member or another member of the Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Commission members, except as provided by local ordinance or by these Rules of Procedure.
- 6.6 If a member of the Commission is disqualified or unable to act in any particular case before the Commission, the chairperson shall designate an alternate to act in place of the disqualified member as specified in RSA § 673:11.
- 6.7 Any member of the Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the Commission shall absent himself or herself from the Commission's meeting while such matters are being considered or acted upon.
- 6.8 Commission members and staff who are in office or employed at the time these code of conduct provisions are adopted shall be exempted for a period not to exceed one year from the date of adoption, pursuant to RSA § 31:39-a.

## **Zoning Overlay (Section 4-15, Historic District)**

### **Regulated "Activities" (II 2.2)**

- ☐ Alteration of exterior appearance of existing and proposed structures
- ☐ Alteration of use and appearance of exterior spaces

### **Certificate of Approval Required (IV 4.1)**

- ☐ Alteration
- ☐ Construction
- ☐ Repairs (involving change in design, materials, appearance) (IV 4.1 & VI 6.6 a)
- ☐ Moving of structures
- ☐ Demolition
- ☐ Change of use of structures or places
- ☐ Examples ("included, but not limited to"):
  - ☐ architectural detail of exterior walls
  - ☐ windows or doors
  - ☐ siding
  - ☐ porches
  - ☐ fire escapes
  - ☐ roofing
  - ☐ chimneys
  - ☐ antennae
  - ☐ re-grading
  - ☐ paving and re-paving
  - ☐ removal of mature trees
  - ☐ fences
  - ☐ retaining walls
  - ☐ signage
  - ☐ on-site lighting
  - ☐ commercial trash receptacles
  - ☐ telecommunication towers

### **Certificate of Approval NOT Required (IV 4.1)**

- ☐ Maintenance and repairs (not involving change in design, materials, appearance) (IV 4.1 & VI 6.6 a.)
- ☐ Grounds keeping
- ☐ Storm doors
- ☐ Storm windows
- ☐ Painting

### **Paint color**